THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 12431 OF 2005

Between:

Vennamaneni Chandrasekhar Rao …Petitioner

A n d

The Passport Officer, The Regional

Passport Office, Kummarguda, Adjacent to

Prashant Theatre, Secunderabad. …Respondent

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 12431 OF 2005

ORDER:

1. This writ petition has been filed by Vennamaneni Chandrasekhar Rao seeking declaration that the action of the Passport Issuing Authority-respondent insisting him to get declaratory order for correction of the date of birth as illegal and arbitrary.

2. The petitioner also seeks a direction to the respondent to consider his case in terms of Circular dated 18-4-2001 issued by the Ministry of External Affairs, Government of India.

3. It is the case of the petitioner that he was born on 10-6-1975. In 1994 he applied for Passport and in the application for Passport, inadvertently, his date of birth has been mentioned as 20-10-1972. After obtaining passport, he had been to Dubai and was there till the expiry of the date of passport. When he applied for renewal of the passport at Dubai through Indian Embassy, he came to know that his date of birth in the Passport was incorrectly mentioned as 20-10-1972. Soon after reaching India on 22-3-2005, he made an application to the Regional Passport Officer-respondent for correction of date of birth in the passport No.F 0762047. The respondent authority refused to correct the date of birth in the passport and advised him to obtain declaratory order for the correction of the date of birth from the competent Court. Hence, the writ petition, seeking the relief stated supra.

4. Heard the learned counsel for the petitioner and learned standing counsel appearing for the respondent.

5. Learned counsel for the petitioner submits that Ministry of External Affairs, Government of India issued certain guidelines, pursuant to the judgment of High Court of Judicature at Bombay in Civil Writ Petition No. 1072 of 2000, with regard to correction of date of birth in the passport and the respondent is required to follow the guidelines and disposed of the application filed by the petitioner seeking rectification of the date of birth in the passport and since the respondent has failed to follow the guidelines issued by the Government of India, Ministry of External Affairs, the petitioner has chosen to approach this Court invoking jurisdiction under Article 226 of the Constitution of India.

6. In ***Ali Imran Vs. Regional Passport Officer, Secunderabad,*** this Court considered the Circular dated 18-4-2001 issued by the Government of India, Ministry of External Affairs pursuant to the judgment of the High Court of Judicature at Bombay in Civil Writ Petition No. 1072 of 2000. The instructions/clarifications issued in the said Circular read as under:

a. *Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of*

birth in the passport, PIA (passport issuing authority) may, after verifying/satisfying himself, affect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.

b. *Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.*

c. *Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e. Municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth.*

7. In this case the petitioner has produced Secondary Certificate to prove that the earlier date of birth entered in the passport is incorrect. Therefore, the claim of the petitioner is well supported and consequently falls within the purview of Circular dated 18-4-2005.

8. In that view of the matter, the writ petition is disposed of directing the respondent to consider the application of the petitioner and the Secondary School Certificate issued by the Secretary Board of Secondary Education, Andhra Pradesh, Hyderabad and pass appropriate orders keeping in view of the guidelines issued by Government of India. No order as to costs.

B.Seshasayana Reddy,J

4th October, 2005.

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THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

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W.P.No. 12431 OF 2005

4th September, 2005.